



31 AUG 2006

# 12

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK, LLP  
600 South Avenue West  
Westfield, NJ 07090

In re Application of :  
MUGNIER et al :  
U.S. Application No.: 10/511,565 :  
PCT No.: PCT/FR03/01197 :  
Int. Filing Date: 15 April 2003 : DECISION  
Priority Date: 17 April 2002 :  
Attorney Docket No.: REGIM 3.3-040 :  
For: METHOD FOR PRODUCTION OF A :  
TUNABLE OPTICAL FILTER :  
:

This is decision on the papers filed 03 August 2006 which are treated as a renewed petition under 37 CFR 1.47(a).

BACKGROUND

On 16 June 2006, a decision dismissing applicant's renewed petition under 37 CFR 1.47(a) was mailed. The declaration executed by Rachelle Leroux did not identify all the named inventors and was not in compliance with 37 CFR 1.497(a) and (b). Applicants were given two-months to respond.

On 03 August 2006, applicants filed the subject response which was accompanied by an executed declaration signed by Rachelle Leroux.

DISCUSSION

The 37 CFR 1.47(a) applicants responded to the prior decision by providing a declaration executed by the nonsigning inventor, Rachelle Leroux. This declaration lists all four named inventors and is in compliance with 37 CFR 1.497(a) and (b).

As such, a petition under 37 CFR 1.47(a) is no longer required.

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is MOOT.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 15 April 2003, under 35 U.S.C. 363, and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 03 August 2006.

10/511,565

2

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

*James Thomson*

James Thomson  
Attorney Advisor  
Office of PCT Legal Administration

Tel.: (571) 272-3302